

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

ELMORE et al.

Serial No. 08/981,087

Filed: May 27, 1998

Title: TYPE F BOTULINUM TOXIN AND USE THEREOF



Atty Dkt. 124-688

C#/M#

Group Art Unit: 1645

Examiner: Weatherspoon

Date: January 7, 2000

RECEIVED

JAN 10 2000

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

AMENDMENT AND ALTERNATE RULE 181 PETITION

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number		
previously paid for	0	(at least 20) =	0	x \$ 18.00
				\$ 0.00
Independent claims after amendment	0	minus highest number		
previously paid for	0	(at least 3) =	0	x \$ 78.00
				\$ 0.00
If proper multiple dependent claims now added for first time, add \$260.00 (ignore improper)				\$ 0.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00 /1 month; \$380.00/2 months; \$870.00/3 months)				\$ 0.00
Terminal disclaimer enclosed, add \$110.00				\$ 0.00
First submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$760.00)				\$ 0.00
Second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$ 760.00)				\$ 0.00

☐ Please enter the previously unentered filed

SUBTOTAL \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract
☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$240.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: B.J. Sadoff, Reg. No. 36,663

Signature: _____

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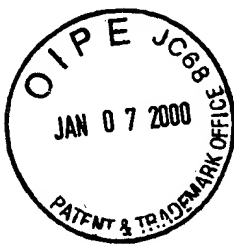
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* * * * *

January 7, 2000

Assistant Commissioner for Patents
Washington, DC 20231

AMENDMENT

Sir:

Responsive to the Office Action dated October 7, 1999, entry and consideration of the following amendments and remarks are requested.

IN THE ABSTRACT:

Insert the attached Abstract after the claims pages.

IN THE CLAIMS:

Amend the claims as follows.

1. (Twice Amended) [A] An isolated polypeptide free of botulinum toxin activity and free of toxoid which induces protective immunity to a type F botulinum toxin.

inherent